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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,413	06/23/2003	Robert D. Kahn	2003P04569US	7705

7590 11/15/2005

Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

JAWORSKI, FRANCIS J

ART UNIT	PAPER NUMBER
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3737

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/601,413	Applicant(s) KAHN ET AL.	
	Examiner Jaworski Francis J.	Art Unit 3737	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 3, 14-38 and 43-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-13 and 39-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6-23-03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claims 1 –2, 4 - 13 and 39 – 42 are present for examination in this case; claims 3, 14 – 38 and 43 – 45 stand withdrawn from consideration as drawn to inventions or species non-elected without traverse in the response filed on August 22, 2005.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim\ 42 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 42 recites the limitation "the time-intensity data" in line 2. There is insufficient antecedent basis for this limitation in the claim, since claim 1 is generic and claim 2 is the only other elected non-generic claim pertaining to the time-intensity measurement feature.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

[With respect to base claim 1 terminologies, the Examiner is according broadest reasonable interpretation of 'medical image' as embracing wavetraces as well as anatomic images since the term is not limited to anatomic images, and as embracing images of medical data from plural individuals since no language limiting to a single test subject is present, and of 'respective measurement type' to pertain to of the same type since different or differing is unstated, or to pertain to of the same type under different conditions e.g. measured at different times or different pressures since these secondary qualifications do indeed make measurements of (different) types, as well as to measurements of different fundamental nature. As a result, a variety of image formats of plural medical informational measurements are applied as prior art infra.]

Claims 1, 4 – 5, 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Sun et al (US6811536 B2) wherein the Figures 2 – 8 are images of medical type which each provide a plurality of measurements of heart variability of the image, corresponding to test subjects or to control volunteer types, and in the case of age plots each point is associated with measurement at a specific age or in relation to normal unmedicated controls wherein either the variance serves as a defined reference or the healthy volunteers or females with respect to females or cross-gender references, with either bar graph or time trace simultaneous graphical display on the patent figure images.

Claims 1, 4 – 5, 7 – 10 are further rejected under 35 U.S.C. 102(b) as being anticipated by Kane et al (US6273854 B1) wherein Figs. 4A – 4C as spanning the patent's drawing sheets pages 4 – 12 depict a medical chart image format in which there is simultaneous display of the measurements of constituent analyte features of the serum profile images, where plural feature measurements corresponding to different analyte types are presented in association with a % deviation reference specific to each measurement type with creation of bar graph relationships highlighting the degrees of deviation and simultaneous stacked display profile graph of these constituent bar graph relationships in a graph display format, at least some data being of physiological attributes such as cell counts obtainable via cell counting from slide images without production of a (visual) image per se.

Claims 1-2, 4-13 and 39-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Guracar et al (US6464640 B1) which teaches inter alia the formation of two dimensional display histograms of Doppler velocity or Doppler energy and/or B-mode intensity as physiologic attributes derived from an ultrasound imaging system with or without display of the parameter as an ultrasound anatomic image and including B-mode intensity quantification curves for contrast agent decay studies.

The following additional art is cited as of interest: Giger et al (US6205348 B1) Figs. 5 and 14-15 pertaining to medical anatomic image derived multiple referenced bone quality quantifications; Majima et al (US6198797 B1) x-ray CT derived multiple referenced quantifications in combined display Fig. 7; Nishikawa et al (US6058322) statistical neural net probabilities of differing illness entities from x-ray image data and


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including simultaneous quantification displays with anatomic references Figs. 20-28; Sano (US5701897) utilizing multiple unfolded cardiac boundary point kinetivalue quantifications displayed concurrently as a color or intensity referenced time trace image from primary ultrasound medical image data Fig. 83 as exemplary; Shankar (US5343867) Figs. 7A,B as representative of multiple pressure wave quantification traces under differing cuff pressures; Reeves (US5337752) Figs. 6-7 carpet waveforms non-image parameter derived; Groves et al (US3922911) Figs. 1-5, 7 carpet Doppler velocity spectral waveforms, ultrasound (image) parameter derived.

Any inquiry concerning this communication should be directed to Jaworski Francis J. at telephone number 571-272-4738.

FJJ:fjj

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Francis J. Jaworski
Primary Examiner